

REMARKS/ARGUMENTS

Claims 10, 11, and 13 are pending in the present application. Claims 1-9, 12, and 14-31 are canceled; and claims 10 and 13 are amended as indicated by the Examiner for allowance. Claims 1-9, 12, and 14-31 are canceled in this response to place the present application in condition for allowance. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious issuance of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Reconsideration of the claims is respectfully requested.

I. Allowable Subject Matter

The Examiner has stated that claims 10-11, 13, 25-26, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the 101 and 112, second paragraph, rejections. By this response, claims 10 and 13 have been rewritten to overcome this objection. Claims 1-9, 12, and 14-31 are canceled. Therefore, Applicants respectfully submit that claims 10, 11, and 13 are allowable and the present application is now in condition for allowance.

II. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 4-15 and 19-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

The Office Action states:

(i) As per Claims 4-6, 8-10, 12-13, 19-21, 23-25, and 27-28 uses the terminology "characteristic". It is unclear as to what the applicant considers to be a "characteristic" of a parameter. Therefore, clarification is needed as to what is meant by the term "characteristic". For purpose of examination the examiner is interpreting this to be any part of a parameter, including the parameter itself.

(ii) As per Claims 4-15 and 19-30 refer to a first set, second set, and third set of parameters throughout the claims. However, the applicant never clearly defines what each set of parameters is and which parameters fall into which set. Therefore, it is unclear as to the relationship that could exist between sets of parameters. The applicant should clearly state what is included in the first set of parameters, the second set of parameters, and the third set of parameters. For the purpose of examination the examiner is interpreting a set of parameters to be any item that has more than one parameter.

Office Action dated August 30, 2007, pages 2-3.

Claims 10 and 13 are amended to clarify the term “a characteristic” as “a characteristic of a workflow condition.” Claims 10 and 13 are also amended to clarify that “a second set of parameters” include parameters used to evaluate workflow conditions and “a third set of parameters” include parameters used to regulate a time period associated with processing the work items by the thread. Claims 4-9, 12, 14, and 19-30 are canceled. Therefore, Applicants respectfully request withdrawal of the rejection of claims 4-15 and 19-30 under 35 U.S.C. § 112, second paragraph.

III. 35 U.S.C. § 101

The Examiner has rejected claims 16-31 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Claims 16-31 are canceled. Therefore, the rejection of claims 16-31 under 35 U.S.C. § 101 has been overcome.

IV. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1, 16, and 31 under 35 U.S.C. § 102(b) as being anticipated by Deng et al. (Scheduling Real-Time Applications in an Open Environment). Claims 1, 16, and 31 are canceled. Therefore, the rejection of claims 1, 16, and 31 under 35 U.S.C. § 102 has been overcome.

V. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 2-3 and 17-18 under 35 U.S.C. 103(a) as being unpatentable over Deng et al. (Scheduling Real-Time Applications in an Open Environment) in view of Kaler et al. (US 7,051,330). Claims 2-3 and 17-18 are canceled. Therefore, the rejection of claims 2-3 and 17-18 under 35 U.S.C. § 103 has been overcome.

VI. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 4-6 and 19-21 under 35 U.S.C. 103(a) as being unpatentable over Deng et al. (Scheduling Real-Time Applications in an Open Environment) in view of Shiu et al. (US 200410031035). Claims 4-6 and 19-21 are canceled. Therefore, the rejection of claims 4-6 and 19-21 under 35 U.S.C. § 103 has been overcome.

VII. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 7-9, 12, 22-24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deng et al. (Scheduling Real-Time Applications in an Open Environment) in view of Cota-Robles (US 200110056456). Claims 7-9, 12, 22-24, and 27 are canceled. Therefore, the rejection of claims 7-9, 12, 22-24, and 27 under 35 U.S.C. § 103 has been overcome.

VIII. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deng et al. (Scheduling Real-Time Applications in an Open Environment) and Cota-Robles (US 2001/0056456) as applied to claim 7 above, and further in view of Doing et al. (US 6,018,759). Claims 14-15 are canceled. Therefore, the rejection of claims 14-15 under 35 U.S.C. § 103 has been overcome.

IX. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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